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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,767

12/08/2003

Shingo Kiuchi

9333-361

3437

74989

7590

08/14/2008

ALPINE/BHGL
P.O. Box 10395
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EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

08/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/730,767	Applicant(s) KIUCHI ET AL.	
	Examiner JAMES S. WOZNIAK	Art Unit 2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1, 3-8, 12-15, 17-18, and 20.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/James S. Wozniak/
 Patent Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: The applicants first argue that the designation of the Office Action from 5/27/2008 as final is improper because some claims were presented for the first time. As an example, the application points that since claim 1 was amended to include limitations of claim 2, claims 5-7 now depended on claim 2, which was not previously the case. In response, the examiner points to MPEP 706.07(b). Since all the claims in the RCE from 3/17/2008 were directed to the same invention prior to entry of the RCE and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered into the application prior to the RCE, the final is proper. In the present case, the applicants' claims were drawn to the same invention for improving speech recognition performance and were rejected using the same cited prior art. The applicants next argue that Fujii et al (US 4,885,791) does not teach and does not need to know the actual starting point of speech because Fujii tests varying proposed speech periods (Amendment, Pages 6-7). The applicants continue to argue that Bi et al (US 6,324,509) describes a process that ends by determining a single set of start and stop points and does not consider multiple string points (Amendment, Page 7). Finally, the applicant argues that the two prior art references are incompatible (Amendment, Page 7). In response, the examiner notes that Fujii is directed to generating multiple speech periods for speech recognition (Col. 8, Lines 11-49). Fujii notes that the reason multiple periods are considered in a recognition process is because speech boundaries (which include a starting boundary point) are ambiguous in the presence of noise or due to unvoiced sounds (Col. 8, Lines 29-32, which in arguendo, is the reason the applicants cite for considering multiple starting points, Amendment, Pages 6-7). Fujii makes an estimation of these possible periods by detecting those periods having the largest power level (Col. 8, Lines 25-26). So, in summary, Fujii is concerned with deriving multiple candidate periods for speech recognition based on a power measure in order to combat uncertain speech boundaries in the presence of noise. Thus, Fujii is directed to determining a possible starting point and starting boundary point uncertainty. The fact that Fujii is using a signal level to estimate a likely onset of speech, does indicate a need for starting boundary point estimation, as well as multiple considered starting points due to starting point uncertainty with respect to the presence of noise. It is the Bi reference that provides the concept of considering multiple starting points. Bi performs this process by sequentially shifting backwards from a proposed starting point (Col. 5, Lines 13-30; Col. 6, Lines 56-60; and Col. 7, Lines 1-24). As shown in Fig. 3, Bi selects a proposed first starting period point (PRE_START) and then begins to look backwards to test multiple speech starting points. As can also be seen in Fig. 3 this initial point is in a region of high signal levels (similar to Fujii). Although Bi's process ultimately finishes with a most likely end point, the focus of Bi's invention is the concept of testing multiple speech onset candidates due to the presence of noise (Abstract) (similar to Fujii). Adding this gradual looking back from a most likely onset point to the teachings of Fujii would provide a benefit of preventing Fujii from missing any weak signal speech segments (Bi, Col. 9, Lines 29-35) and ease of implementation in a processor (Col. 5, Lines 24-30). Since Bi searches backwards from a high signal level region to ensure that possible weak noisy speech periods are not missed, and in doing so, tests multiple speech periods, Bi provides a clear benefit to modifying the teachings of Fujii. By searching backwards from a most likely candidate speech period in Fujii, Fujii can test this weaker region with more accuracy for speech recognition and noisy weak speech segments would not be missed. Bi's candidate starting point is considered a starting point since its high signal level indicates a highly probable speech starting point, as opposed to just an arbitrary SNR region as was argued by the applicants. Therefore, since Fujii and Bi are analogous art, Bi teaches a shifting backwards from a likely starting point, and Bi provides a clear benefit to prompt one of ordinary skill in the art to modify the teachings of Fujii, the applicants' arguments have been fully considered, but are not convincing.